

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

ELLE CARMICHAEL, as Administratrix of the
Estate of Romona Moore,

Plaintiff,

ORDER

- v -

CV-06-1913 (NG)(VVP)

CITY OF NEW YORK, et al.,

Defendants.

-----x

The plaintiff's motion to re-open discovery in order to conduct three depositions is granted in part and denied in part. The plaintiff has learned, through the testimony of detective Samborski, that two other members of the detective team that worked on the missing persons investigation concerning Svetlana Aronov are likely to have information concerning the steps taken in handling that investigation. The plaintiff has been seeking information about that investigation ever since her present counsel entered this case, and as the records of the investigation have been largely destroyed or otherwise lost, the parties are left to rely on the memories of those who played active roles in that investigation for information about how it was classified and handled. Samborski identifies Detective Kenneth Staller as his partner in the investigation, and asserts that his direct supervisor at the time, Detective Vinny Goff, made the determination to classify Aronov's case as "Category G." The plaintiff has thus provided sufficient cause to permit discovery to be reopened to conduct their depositions. As to Sergeant Ferrone, however, there is no testimony that he took any investigative steps whatsoever, and indeed Samborski did not even know who he was. The documentary evidence reviewed by Samborski discloses that he was not a detective, but rather the supervisor of patrol officers. In that capacity he is highly unlikely to

have made any decisions concerning the handling of the investigation. As to him, then, the motion is denied. The depositions are to be conducted as soon as reasonably practicable.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
May 25, 2012